

Exhibit 304

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ALABAMA
3 SOUTHERN DIVISION

4
5 IN RE: BLUE CROSS BLUE SHIELD
6 Master File No. 2:13 CV 20000 RDP
7 ANTITRUST LITIGATION
8 MDL NO. 2406

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12 VIDEO DEPOSITION OF MICHAEL PATTERSON
13 30(b)(6) BLUE CROSS BLUE SHIELD OF ALABAMA
14 1901 Sixth Avenue N., Ste: 2400
15 Birmingham, AL 35203
16 July 11, 2017

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18 * * * CONFIDENTIAL * * *

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22 REPORTED BY:

23 Angela Smith McGalliard,
24 Certified Shorthand Reporter
25 and Notary Public.

1	A.	Separate registrations.	10:57:40
2	Q.	Separate registrations for Blue	10:57:46
3		Shield and Blue Cross, in 1952?	10:57:49
4	A.	That's when they were issued. I	10:57:50
5		think they were filed in '47 and '49, 1947 and	10:57:53
6		1949.	10:57:54
7	Q.	And who were they filed with?	10:57:55
8	A.	The trademark office in	10:57:56
9		Washington.	10:57:57
10	Q.	So you had federal registration	10:58:04
11		for the marks as of '47 and '49?	10:58:06
12	A.	Yes. We also had state marks	10:58:09
13		that were issued in '54, not sure when they	10:58:13
14		were filed, cross and the shield.	10:58:14
15	Q.	And did Alabama transfer those	10:58:24
16		rights to the Association?	10:58:27
17		MR. BURKHALTER: Object to the	10:58:28
18		form.	10:58:28
19	A.	I believe that was the mechanism	10:58:30
20		of which -- I believe that to be the case, yes.	10:58:35
21	Q.	And when did that occur?	10:58:37
22	A.	I believe that was the '50s, but	10:58:46
23		I'll have to check that date.	10:58:53
24	Q.	Does Blue Cross Blue Shield of	10:58:55
25		Alabama claim a common-law trademark?	10:58:58

1	A.	Yes.	10:58:59
2	Q.	To both Blue Shield and Blue	10:59:02
3	Cross?		10:59:03
4	A.	Yes.	10:59:03
5	Q.	Are you aware of any concurrent	10:59:08
6	use of the Blue Cross and Blue Shield names in		10:59:14
7	Alabama?		10:59:15
8		MR. BURKHALTER: Object to the	10:59:15
9	form.		10:59:15
10	A.	No, I am not.	10:59:17
11	Q.	Has there been any disputes about	10:59:19
12	the marks in Alabama?		10:59:22
13		MR. BURKHALTER: Object to the	10:59:22
14	form.		10:59:22
15	A.	To my knowledge, no.	10:59:23
16	Q.	Have there been any legal	10:59:25
17	challenges to the marks or registration of the		10:59:28
18	marks?		10:59:29
19	A.	Not that I have seen in my	10:59:33
20	position with the company as an attorney.		10:59:41
21	Q.	So you're not aware of any?	10:59:45
22	A.	I'm not aware of any, no.	10:59:47
23	Q.	Okay. Have you seen any concerns	10:59:52
24	raised in compliance letters concerning the		10:59:54
25	marks in Alabama?		10:59:56

1	A.	I think we investigate them based	11:02:05
2		on our understanding of the rules and in	11:02:06
3		conjunction with the Association.	11:02:08
4	Q.	When you say the rules, you're	11:02:11
5		referring to the Association rules on all Blue	11:02:20
6		Plan members; is that correct?	11:02:21
7	A.	Yes.	11:02:22
8	Q.	Other than the requirements of	11:02:25
9		the license agreement, are there any other	11:02:27
10		bases for which Blue Cross Blue Shield of	11:02:28
11		Alabama is asserting the right to a valid	11:02:31
12		trademark in Blue Cross and Blue Shield?	11:02:34
13		MR. BURKHALTER: Be sure not to	11:02:36
14		reveal privileged communications in your	11:02:38
15		answer.	11:02:38
16	A.	We have common-law right. We	11:02:40
17		have been using the cross publicly since, I	11:02:43
18		found, 1939; we've been using the shield	11:02:47
19		publicly since 1947.	11:02:50
20	Q.	So you are claiming common-law	11:02:53
21		trademark right to the names?	11:02:56
22		MR. BURKHALTER: Objection.	11:02:57
23		Asked and answered.	11:02:57
24	A.	Yes.	11:02:58
25	Q.	Okay. Is there an agreement or	11:03:02